

REMARKS/ARGUMENT

Claims 1 and 6 have been canceled herein without prejudice, and claims 14 and 15 have been added. Accordingly, claims 2-5 and 7-15 are currently pending in the present application. It is respectfully submitted that the new claims do not add new matter and have adequate support throughout the Specification.

Initially, Applicant thanks the Examiner for indicating that claims 9 and 10 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim. Claims 9 and 10 have been rewritten in accordance with the Examiner's suggestion. It is respectfully submitted that the rewritten claims do not add new matter.

Furthermore, claims 2-5, and 7-13 have been amended herein to correct for minor, non-substantive errors of form and to better recite the subject matter which Applicant regards as the invention. It is respectfully submitted that the amendments do not add new matter and have adequate support throughout the Specification.

Similarly, applicant has corrected typographical errors in Fig. 3.

Otherwise, Applicant respectfully traverses all objections and claim rejections for the reasons that follow.

I. OBJECTION TO ABSTRACT

The Abstract was objected to for containing legal phraseology. Applicant amended the Abstract herein to address the concerns of the Examiner. It is respectfully submitted that the amendments do not add new matter and have adequate support throughout the Specification. Accordingly, it is kindly requested that the objection to the Abstract be withdrawn.

II. REJECTIONS OF CLAIMS 1 AND 3 UNDER 35 U.S.C. § 102(b)

Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,806,005 to Hull et al. (hereinafter "Hull").

Claim 1 has been canceled herein without prejudice, thereby mooted the rejection of this claim. Claim 14 has been added, and claim 3 has been amended to depend from claim 14. It is respectfully submitted that claims 3 and 14 are allowable over Hull for the reasons discussed below.

Claim 14 relates to "[a]n electronic camera system comprising: an electronic camera including . . . a detection arrangement operable to **automatically detect** whether the memory capacity of the record medium reaches a predetermined capacity value...and a communication unit including...a transmission

control arrangement operable to **automatically cause** the wireless communication arrangement to wirelessly transmit the image information in accordance with whether the detection arrangement detects that the memory capacity of the record medium reached the predetermined capacity value."

Hull relates to a portable image transfer system including a digital still camera which captures images in digital form and stores the images in a camera memory, a cellular telephone transmitter, and a central processing unit (CPU). The CPU controls the camera memory to cause it to output data representing an image and the CPU controls the cellular telephone transmitter to cause a cellular telephone to transmit the data received from the camera memory. (Hull, Abstract). As characterized, a user of the digital still camera may **manually** check if the camera's memory is full. (Hull, col. 3, lines 1-6). If so, the user may free up storage space by **manually** transmitting the stored pictures by initiating a transmission command sequence. (Hull, col. 3, lines 16-21).

To reject a claim as anticipated, the Examiner must demonstrate that a single prior art reference discloses each and every feature of a claim. In accordance with this standard, it is respectfully submitted that Hull does not disclose "a detection arrangement operable to **automatically detect** whether the memory capacity of the record medium reaches a predetermined capacity value," and "a transmission control arrangement operable to **automatically cause** the wireless communication arrangement to wirelessly transmit the image information," as recited in claim 14.

The Examiner disagrees and asserts that Hull inherently discloses a detection means which detects that a memory capacity of the record medium becomes a predetermined value, "since if the memory is full the device transmits images to the server station." (Office Action, page 3). However, the sections of Hull cited by the Examiner explicitly state that the camera does not transmit the images to the server station automatically, but rather relies on the user to initiate a manual transmission command sequence. In this manner, it is the user, not the camera, that detects whether the storage device is full, and it is the user, not the camera, that causes the transmission of the image data.

For at least the foregoing reasons, it is respectfully submitted that claim 14 is allowable over Hull. Furthermore, since claim 3 has been amended to depend from claim 14, it is respectfully submitted that this claim is allowable over Hull for at least the same reasons. Accordingly, it is kindly requested that the rejections of claim 1 and 3 be withdrawn.

III. REJECTIONS OF CLAIM 2, 4, AND 5 UNDER 35 U.S.C. § 103(c)

Claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hull in view of U.S. Patent No. 5,034,804 to Sasaki et al. (hereinafter "Sasaki"); and claims 4 and 5 were rejected under 35 U.S.C.

§ 103(a) as unpatentable over Hull in view of U.S. Patent No. 6,418,324 to Doviak et al. (hereinafter "Doviak"). Respectfully, Applicant traverses.

Claims 2, 4, and 5 have been amended herein to ultimately depend from new claim 14, and Hull does not disclose each and every feature of claim 14 for the reasons described above with respect to the anticipation rejections of claims 1 and 3. Specifically, Hull does not disclose "a detection arrangement operable to **automatically detect** whether the memory capacity of the record medium reaches a predetermined capacity value," and "a transmission control arrangement operable to **automatically cause** the wireless communication arrangement to wirelessly transmit the image information," as recited in claim 14. Furthermore, any reading of Sasaki and Doviak makes clear that neither of these references cures the critical deficiencies of Hull as applied against parent claim 14.

Sasaki describes "Mode selection by mode switch 12 makes it possible to change the amount of digital data required for storing one frame data" But in claim 2 of the present invention, the memory capacity to be detected (i.e., predetermined value) is adjustable by the first setting means. Therefore, claim 2 differs from Sasaki in configuration.

For at least the foregoing reasons, it is respectfully submitted that claim 14 is allowable over Hull, Sasaki and Doviak. Furthermore, since claims 2, 4, and 5 ultimately depend from claim 14, it is respectfully submitted that these claims are allowable over Hull, Sasaki and Doviak for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 2, 4, and 5 under 35 U.S.C. § 103(a) be withdrawn.

IV. REJECTIONS OF CLAIMS 6-8 AND 11 UNDER 35 U.S.C. § 103(c)

Claims 6-8 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hull in view of Sasaki. Respectfully, Applicant traverses.

Claim 6 has been canceled herein without prejudice, thereby mooted the rejection of this claim. Claims 7, 8, and 11 have been amended to depend from newly added claim 15.

As described above, Hull relies on the user to initiate a manual transmission command sequence. In this manner, it is the user, not the camera, that detects whether the storage device is full, and it is the user, not the camera, that causes the transmission of the image data. Accordingly, Hull does not disclose all of the features of claim 15 because this reference fails to disclose "a detection arrangement operable to **automatically detect** whether the memory capacity of the record medium reaches the predetermined capacity value set by the setting arrangement," and "a transmission and reception control arrangement

operable to **automatically transmit** the image information recorded on the recording medium," as recited in claim 15.

For at least the foregoing reasons, it is respectfully submitted that claim 15 is allowable over the combination of Hull and Sasaki. Furthermore, since claims 7, 8, and 11 ultimately depend from claim 15, it is respectfully submitted that these claims are allowable over Hull and Sasaki for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 6-8 and 11 under 35 U.S.C. § 103(a) be withdrawn.

V. REJECTIONS OF CLAIM 12 AND 13 UNDER 35 U.S.C. § 103(c)

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hull in view of Sasaki, and further in view of Doviak. Respectfully, Applicant traverses.

Claims 12 and 13 have been amended to ultimately depend from new claim 15, and as described above, Hull and Sasaki fail to disclose each and every feature of claim 15. Furthermore, any reading of Doviak makes clear that this reference fails to cure the critical deficiencies of Doviak as applied against parent claim 15.

For at least the foregoing reasons, it is respectfully submitted that claim 15 is allowable over the combination of Hull, Sasaki, and Doviak. Furthermore, since claims 12 and 13 ultimately depend from claim 15, it is respectfully submitted that these claims are allowable over Hull, Sasaki, and Doviak for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 12 and 13 under 35 U.S.C. § 103(a) be withdrawn.

Regarding new claim 16, this feature is not disclosed in any one of cited references.

VI. CONCLUSION In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2004

Max Moskowitz

Name of applicant, assignee or
Registered Representative

Signature

February 10, 2004

Date of Signature

Respectfully submitted,

Max Moskowitz

Registration No. 30,376

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700